

United States Courts  
Southern District of Texas  
FILED

JUL 30 2019

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

David J. Bradley, Clerk of Court

United States Court of Appeals  
Fifth Circuit

**FILED**

July 8, 2019

Lyle W. Cayce  
Clerk

No. 18-40057

D.C. Docket No. 2:11-CV-84

M. D., by next friend Sarah R. Stukenberg; Z. H., by next friend Carla B. Morrison; S. A., by next friend Javier Solis; A. M., by next friend Jennifer Talley; J. S., by next friend Anna J. Ricker; H. V., by next friend Anna J. Ricker; L. H., by next friend Estela C. Vasquez; C. H., by next friend Estela C. Vasquez; A. R., by next friend Tom McKenzie, individually and on behalf of all other similarly situated,

Plaintiffs - Appellees

v.

GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS; COURTNEY PHILLIPS, in her official capacity as Executive Commissioner of the Health and Human Services Commission of Texas; HENRY WHITMAN, JR., in his official capacity as Commissioner of the Department of Family and Protective Services of the State of Texas,

Defendants - Appellants

Appeals from the United States District Court for the  
Southern District of Texas

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, affirmed with modification in part, vacated in part and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

PATRICK E. HIGGINBOTHAM, Circuit Judge, dissenting as to parts III.D and III.E, and otherwise concurring.



Certified as a true copy and issued  
as the mandate on Jul 30, 2019

Attest: *Lyfe W. Canine*  
Clerk, U.S. Court of Appeals, Fifth Circuit